

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR**

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WP(C).No. 27712 of 2007(Y)

PETITIONER:

**HARIHARAN, RESIDING AT
MELPERUMANVILA PUTHEN VEEDU,
KIZHAKKUMBHAGAM WARD, MENAMKULAM VILLAGE,
KAZHAKUTTOM, THIRUVANANTHAPURAM.**

**BY ADV. SRL.L.MOHANAN
SMT.LIGEY ANTONY
SRL.M.V.KIRAN MOHAN**

RESPONDENTS:

- 1. DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM.**
- 2. CIRCLE INSPECTOR OF POLICE,
KAZHAKUTTOM.**
- 3. SUB INSPECTOR OF POLICE,
KAZHAKUTTOM.**
- 4. KRISHNA PILLAI,
S/O PARAMESWARAN PILLAI,
RESIDING AT MELEPERUMANVILA,
PATTUVILAKOM, AYIROORPARA VILLAGE,
THIRUVANANTHAPURAM.**
- 5. SATHEESAN,
RESIDING AT ELIPAKUZHIPUTHEN VEEDU,
KIZHAKKUMBHAGAM, KAZHAKUTTOM,
THIRUVANANTHAPURAM.**

BY GOVT. PLEADER SRL.SALIM P.A.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

**K. Balakrishnan Nair &
T.R. Ramachandran Nair, JJ.**

W.P.(C).NO.27712 of 2007-Y

Dated this the 26th day of September, 2007

JUDGMENT

Balakrishnan Nair J.

The petitioner along with his mother owns 38 cents of land and he is residing there with his family. There is a pathway in the northern side of the petitioner's property having a width of two feet. When respondents 4 and 5 and others tried to widen the pathway, the petitioner along with another, filed O.S. No.1162/2005 before the Munsiff's Court, Thiruvananthapuram. The suit was decreed restraining the defendants from cutting open any road through the plaint schedule property or widening the existing pathway and causing any damage to the said property. The petitioner submits, now in violation of the said judgment of the civil court, respondents 4 and 5 are trying to widen the pathway and convert the same into a road. So, he filed Ext.P4 representation before the Director General of Police alleging that the said respondents are threatening him. In the said representation, protection of the police is sought for the property and his life and also for ensuring that the orders of the civil court are respected. Thereafter, this writ petition is filed seeking the following reliefs:

“a. To issue a writ of mandamus or other appropriate writ, order or direction directing the respondents 2 and 3 to give adequate and necessary protection to the life and property of the petitioner and to see that civil court's judgment is not flouted.

b. To grant such other reliefs that the petitioner may ask for and those which this Honourable Court deems fit and necessary in the interests of justice.”

2. Learned Govt. Pleader upon instructions, submitted that complaints have been received from the wife of the 5th respondent and another stating that the petitioner is obstructing an existing pathway. The petitioner has made an allegation that the 5th respondent who is a driver in the police department, is trying to use his influence against the petitioner. The said allegation is denied by the learned Govt. Pleader. It is also submitted that Ext.P4 representation was not received in the concerned police station.

3. Having regard to the dispute, we feel that police have no role in this. It is not the duty of the police to execute the decree of a civil court. The petitioner's remedy is before the civil and criminal courts to redress his grievances.

In the result, the writ petition is dismissed without prejudice to the

rights of the petitioner to move other forums for appropriate reliefs.

(K. Balakrishnan Nair, Judge.)

(T.R. Ramachandran Nair, Judge.)

kav/